

A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS  
WAS HELD OCTOBER 6, 1998 AT 9:30 A.M. IN WARRENTON, VIRGINIA

P R E S E N T    Mr. David C. Mangum, Chairman; Mr. Larry L. Weeks, Vice  
Chairman; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr.  
James A. Rankin; Mr. G. Robert Lee, County Administrator; Mr.  
Paul S. McCulla, County Attorney

#### ADOPTION OF THE AGENDA

Mr. Burton moved to adopt the agenda subject to removing A Resolution to Revise Personnel Policy Section #36, Workers' Compensation, Paragraph IV, Use of Injury/Illness in Line of Duty Leave; Authorization to Include the School Health Administrator and School Transition Specialist Positions into the Board of Supervisors Classification and Pay Plan; and A Resolution Requesting the Economic Development Authority Assistance in Establishing the Vint Hill/Route 215 Connector from the Consent Agenda for discussion and to adding A Proclamation to Declare the Week of October 4-10, 1998 as Fire Prevention Week to the Consent Agenda and adding Virginia Department of Transportation Notice of Intent to Acquire Land in the Southern Fauquier Agricultural and Forestal District to the Regular Agenda for discussion. Mr. Green seconded, and the vote for the motion was unanimous as follows:

Ayes:    Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W.  
Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin

Nays:    None

Absent During Vote:        None

Abstention:        None

#### CITIZENS TIME

\* Kitty Smith asked the Board of Supervisors to consider changing its regular public hearing format for the Comprehensive Plan Amendment and Special Exception Request for the Remington Virginia Power Combustion Turbine Facility scheduled for later in the evening to allow each speaker more time and to allow questions from the public.

\* Alan Byrd asked the Board of Supervisors to consider a waiver of the Fauquier County Code to allow him to drill a well on his property in Paris because of the limited water supply in the area. Mr. Green will work with County staff and Mr. Byrd on this request.

#### CONSENT AGENDA

Mr. Weeks moved to adopt the following Consent Agenda items. Mr. Burton seconded, and the vote for the motion was unanimous as follows:

Ayes:    Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W.  
Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin

Nays:    None

Absent During Vote:        None

Abstention:        None

Approval of the Minutes of the September 15, 1998 Regular Meeting and the September 22, 1998 Adjourned Meeting

Approval of the VACo 1998 Annual Meeting Voting Credentials Form

Voting Delegate: David C. Mangum

Alternate Delegate: Larry L. Weeks

A Resolution to Cancel the November 3, 1998 Meeting of the Board of Supervisors

#### RESOLUTION

A RESOLUTION TO CANCEL THE NOVEMBER 3, 1998 MEETING  
OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS

Be It Resolved by the Fauquier County Board of Supervisors this 6th day of October 1998, That the November 3, 1998 regularly scheduled meeting of the Fauquier County Board of Supervisors be, and is hereby, canceled; and, be it

Resolved Further, That notice of this cancellation shall be posted at the Fauquier County Courthouse and the Warren Green Building, as well as advertised in the Fauquier Times Democrat and The Citizen.

A Resolution to Schedule an Adjourned Meeting of the Fauquier County Board of Supervisors for November 12, 1998 at Airlie Conference Center for the Annual Policy Retreat

#### RESOLUTION

Be It Resolved by the Fauquier County Board of Supervisors this 6th day of October 1998, That an adjourned meeting of the Fauquier County Board of Supervisors be, and is hereby, scheduled for November 12, 1998 at the Airlie Conference Center for the Annual Policy Retreat.

A Resolution to Revise Personnel Policy Section #47, Family Medical Leave, Paragraph IV, General Procedures, Sub-Paragraph G, Leave is Unpaid, and Personnel Policy Section #2, Leave, Paragraph XXI, Family Illness Leave

#### RESOLUTION

A RESOLUTION TO REVISE PERSONNEL POLICY SECTION #47, FAMILY MEDICAL LEAVE, PARAGRAPH IV, GENERAL PROCEDURES, SUB-PARAGRAPH, G, LEAVE IS UNPAID, AND PERSONNEL POLICY SECTION #2, LEAVE, PARAGRAPH XXI, FAMILY ILLNESS LEAVE

WHEREAS, the Department of Personnel Services periodically reviews certain Personnel Policies to ensure that they are meeting the objectives of the County and the needs of the County employees; and

WHEREAS, the Department of Personnel Services conducted such a review of this policy; and

WHEREAS, based upon this review, it is recommended that the policy revisions reflect procedural and administrative changes to clearly define the use of accrued leave by employees who wish to use Family Medical Leave and Family

Illness Leave; and

WHEREAS, an employee taking leave due to their own serious health condition, including birth of a child and the physical recovery following child birth will be required to use their accrued sick leave then compensatory leave, annual leave and leave without pay; and

WHEREAS, an employee taking leave due to the new born child and to care for the child that is placed with him/her may use a maximum of ten (10) sick leave days, then compensatory leave, annual leave and leave without pay; and

WHEREAS, employees taking leave to care and attend a family member with a serious health condition may use a maximum of ten (10) sick leave days, then compensatory leave, annual leave or leave without pay; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 6th day of October 1998, That these revisions made in Personnel Policy, Section #47 Family Medical Leave, Paragraph IV, General Procedures, sub-paragraph, G, Leave is Unpaid, and Personnel Policy, Section #2, Leave, Paragraph XXI, Family Illness Leave, be, and are hereby, approved; and, be it

RESOLVED FURTHER, That the effective date of these revisions be October 1, 1998; and; be it

RESOLVED FINALLY, That the County Administrator be, and is hereby, directed to administer this revised policy and changes in accordance with applicable Fauquier County policies and procedures.

PERSONNEL POLICY  
Fauquier County, Virginia  
Family and Medical Leave

I. PURPOSE

This policy outlines, in accordance with the Family and Medical Leave Act of 1993 (FMLA), the conditions under which an eligible employee may request time off without pay for a limited period, with job protection, and no loss of accumulated service provided the employee returns to work.

II. SCOPE

This policy applies to all permanent and temporary status Fauquier County employees.

III. DEFINITIONS

For the purposes of this policy, the following definitions apply:

A. "Spouse" - a husband or wife, as the case may be.

B. "Parent" - includes biological parents and individuals who acted as the employee's parents, but does not include parents-in-law.

C. "Son" or "Daughter" - includes biological, adopted, foster children, stepchildren, legal wards and other persons for whom the employee acts in the capacity of a parent and who is under eighteen (18) years of age, or over eighteen (18) years of age but incapable of self-care because of a mental or physical disability.

D. "Serious Health Condition" - any illness, injury, impairment, or physical or mental condition (including those requiring multiple treatments and brief, episodic absence) that involves: (1) any incapacity or treatment in connection with inpatient care; (2) an incapacity requiring absence of more than three calendar days and continuing treatment by a health care provider; or (3) continuing treatment by a health care provider of a chronic or long-term condition that is incurable or will likely result in incapacity of more than three days if not treated.

E "Continuing Treatment" - (1) two or more treatments by a health care provider; (2) two or more treatments by a provider of health care services (e.g., physical therapist) on referral by or under orders of a health care provider; (3) at least one treatment by a health care provider which results in a regimen of continuing treatment under the supervision of the health care provider (e.g., a program of medication or therapy); or (4) under the supervision of, although not actively treated by, a health care provider for a serious long-term or chronic condition or disability which cannot be cured (e.g., Alzheimer's or severe stroke).

F. "Health Care Provider" - includes: licensed MD's and OD's, podiatrists, dentists, clinical psychologists, clinical social workers, optometrists, chiropractors authorized to practice in the State, nurse practitioners and nurse-midwives authorized under State Law, and Christian Science practitioners, and any health-care provider recognized by the County's group health plan.

G. "Need to care for" a family member - encompasses: (1) physical and psychological care; and (2) where the employee is needed to fill in for others providing care or to arrange for third party care of the family member.

H. "Unable to perform the functions of his/her job" - an employee is: (1) unable to work at all; or (2) unable to perform any of the essential functions of their position. The term "essential functions" is borrowed from the Americans With Disabilities Act (ADA) to mean the "fundamental job duties of the employment position," and does not include the marginal functions of the position.

#### IV. GENERAL PROCEDURES

##### A. Eligibility

To be eligible for leave under this policy, an employee must have been employed for at least twelve (12) months in total, and must have worked at least 1250 hours during the twelve (12) month period immediately preceding the commencement of the leave.

##### B. Leave Period

Eligible employees are entitled to take up to twelve (12) weeks of unpaid family/medical leave within any twelve (12) month period, and to be restored to the same or an equivalent position upon their return from leave.

The twelve (12) month period is measured forward from the date an employee's first Family/Medical Leave begins. An employee is entitled to twelve (12) weeks of leave during the year beginning on the first date Family/Medical Leave is taken; the next twelve (12) month period begins the first time Family/Medical Leave is taken after completion of any previous twelve (12) month period. The entitlement to leave for the birth of a child or child placement expires one year after the date of childbirth or placement. Childbirth or placement leave is to be taken in one block of time up to twelve (12) weeks, unless the employee and the supervisor agree otherwise.

C. Reasons for Family/Medical Leave

Employees may take family/medical leave for any of the following reasons:

1. birth of a son or daughter, and in order to care for such son or daughter;
2. the placement of a son or daughter with the employee for adoption or foster care; and to care for the newly placed child.
3. to care for a spouse, son, daughter, or parent with a serious health condition;
4. the employee's own serious health condition which renders the employee unable to perform the functions of their position.

Leave due to reasons "1" or "2" above must be completed within the twelve (12) month period beginning on the date of birth or placement. In addition, spouses employed by the County who request leave due to reasons "1" or "2" are entitled to a combined total of twelve (12) weeks leave during the twelve (12) month period, rather than twelve (12) weeks each.

D. Notice of Leave

If possible, employees must give the County thirty (30) days prior written notice of the date of the commencement of leave and an estimate of the duration of the leave. Otherwise, notice must be given as soon as practicable (within 1 to 2 business days of learning of the need for leave). Failure to provide such notice may be grounds for delay of leave.

Employees are requested to give all notices on the Request for Family/Medical Leave form.

E. Medical Certification

Employees requesting leave under the provisions of this policy shall complete the Family/Medical Leave Certification Form within at least fifteen (15) days from the date leave was requested. Failure to provide requested medical certification in a timely manner may result in denial of leave until it is provided. The County, at its expense, may require an examination by a second health care provider designated by the County, if it reasonably doubts the medical Policy certification originally provided by the employee. If the second health care provider's opinion conflicts with the original medical certification, the County, at its expense, may require a third, mutually agreed upon by the County and the employee, health care provider to conduct an examination and provide a final and binding opinion. The County may require subsequent medical re-certification on a reasonable basis.

F. Reporting While on Leave

If employees take leave because of their own serious health condition, or to care for a covered relation, they shall contact their supervisor at least one time per month regarding the status of the condition and their intention to return to work.

G. Leave is unpaid

Generally, Family/Medical Leave is unpaid. However, if appropriate eligible for paid leave, the employee is required to use all but (12) days of their accrued sick leave. It is at the discretion of the employee if they choose to use their remaining

accrued sick leave, or any accrued annual or compensatory leave. substitute accrued paid leave for FMLA leave in the sequences set forth below:

(A) An employee who is taking leave because of the employee's own serious health condition, which renders the employee unable to perform the function of their position. This includes the portion of leave medically necessary for the birth of a child and the physical recovery following child birth:

1. Accrued sick leave hours/days
2. Compensatory leave
3. Annual leave
4. Unpaid leave
5. Employees participating in the sick leave bank may substitute paid sick leave bank leave only for FMLA leave taken for the employee's serious medical condition. The sick leave bank is not available for other FMLA leave purposes.

(B) An employee who is taking leave because of the new born child, and in order to care for that child, the placement of a child with the employee for adoption or foster care, and/or care for the newly placed child:

1. The employee at his/her option elect to substitute up to ten days of accrued sick leave. In no case shall the accrued sick leave days used under this provision and Policy Title: Leave, para. XXI exceed ten days in a twelve (12) month period.
2. Compensatory leave
3. Annual leave
4. Unpaid leave

(C) An employee who is taking leave to care for a spouse, son, daughter, or parent with a serious health condition:

1. The employee at his/her option elect to substitute up to ten days of accrued sick leave. In no case shall the use of accrued sick leave days under this provision and Personnel Policy Section # 2, Leave, para. XXI exceed ten days in a twelve (12) month period.
2. Compensatory leave
3. Annual leave
4. Unpaid leave

#### H. Intermittent and Reduced Schedule Leave

Leave due to a serious health condition, may be taken intermittently (in separate blocks of time due to a single health condition), or on a reduced leave schedule (reducing the usual number of hours you work per work week or work day), if medically necessary. If leave is unpaid, the County will reduce the employee's salary based on the amount of time actually worked. In addition, while the employee is on an intermittent or reduced schedule leave, the County may temporarily transfer the employee to an alternative position which better accommodates their recurring leave and which has equivalent pay and benefits.

Intermittent leave may be charged in no less than one-half hour increments.

#### I. Status of Benefits

During the time that an employee takes family/medical leave under this policy, the employee's health insurance benefits will be maintained to the extent set forth herein.

If paid leave is substituted for unpaid family/medical leave, the County will deduct the employee's portion (if any) of the health insurance premium as a regular payroll deduction. The employee retains all other benefits and leave accruals

If leave is unpaid, employees must pay their portion (if any) of the premium when due. The County shall give the employee fifteen (15) days notice that health coverage will cease if the premium payment is more than thirty (30) days late. All other benefits and leave accruals will be treated the same as other employees on leave without pay, which is outlined under the Benefit and Discount Program Policy (No. 45).

If employees elect not to return to work at the end of the leave period, they will be required to reimburse the County for the cost of the premiums paid by the County for maintaining coverage during their leave, unless the employee cannot return to work because of a serious health condition or other circumstances beyond their control.

J. Returning From Leave

Employees who take leave because of their own serious health condition are required to provide medical certification that they are fit to resume work. Employees failing to provide the medical certification will not be permitted to resume work until it is provided.

All medical certification will be provided on the Return to Work Medical Certification Form.

V. EXCEPTION

A. If the employee on leave is among the highest paid ten percent of County employees, and keeping the position open for the employee would result in substantial economic injury to the County, reinstatement to the employee on leave can be denied. In this situation, however, the employee will be given an opportunity to return to work. In the event that it is determined at the time the employee requests leave that the employee will not be reinstated pursuant to this provision, the employee will be afforded the opportunity to cancel FMLA leave and immediately return to work.

XXI. Family Illness Leave

Sick leave benefits may be granted for necessary care and attendance of all ill family members of the employee's household, such as husband, wife, children, mother, father, sister, brother, and grandparents. Up to three (3) days sick leave for any one cause may be used, but not more than a total of six (6) days may be used in a calendar year. In no case shall the accrued leave days under this provision and Personnel Policy Section # 47, Family and Medical Leave, Paragraph IV, General Procedures, sub-paragraph G. B.1 and G. C.1, exceed ten days in a twelve (12) month period.

XXII. Use of Compensatory, Annual or Sick Leave to Supplement Workers Compensation Awards

Any employee who receives a workers compensation award for temporary total disability due to a work related illness or injury shall be paid in accordance with the award. The workers compensation act provides for payment

of  $66 \frac{2}{3}$  of an employee's average weekly wage during periods of total disability. Employees with sufficient annual or sick leave may supplement this payment in accordance with the terms of this policy. In accordance with Section 65.2-509 of the Code of Virginia, 1950, as amended, no compensation shall be allowed for the first seven (7) calendar days of incapacity resulting from an injury/illness, but if incapacity extends beyond that period compensation shall commence with the eighth day of disability. If, however, such incapacity shall continue for a period of more than twenty-one (21) consecutive calendar days not including the day of injury, then compensation shall be allowed from the first day of such incapacity. A working day is defined as the employee's normal length of day, not to include overtime.

During those periods when worker's compensation is not provided, pay, if any must be charged to the employee's accrued sick leave. Employees are advised to maintain a sufficient sick leave balance to avoid leave without pay during the seven (7) calendar day waiting period. An employee who has maintained a sufficient leave balance may have the option of keeping the check from VML and being charged  $\frac{1}{3}$  of his/her sick leave for each day of incapacity, or remitting the check to the County and have  $66\frac{2}{3}\%$  of sick leave restored (supplement the  $66\frac{2}{3}\%$ 's compensation from VML) by using  $\frac{1}{3}$  day of sick leave for each day of incapacity, the employee may receive payments up to his/her annual average salary. Compensatory, then annual leave, may be used if an employee's sick leave is exhausted. An employee who sustains a work related injury or contracts a work related illness is not eligible to draw leave from the Sick Leave Bank.

A Resolution to Revise Personnel Policy Section #27, Promotion, Demotion, and Transfers, Paragraph IV, Promotional Pay Advances and Affect on Merit Pay Dates

#### RESOLUTION

A RESOLUTION TO REVISE PERSONNEL POLICY SECTION #27, PROMOTION, DEMOTION AND TRANSFERS, PARAGRAPH IV, PROMOTIONAL PAY ADVANCES AND AFFECT ON MERIT PAY DATES

WHEREAS, the Department of Personnel Services periodically reviews certain Personnel Policies to ensure that they are meeting the objectives of the County and the needs of the County employees; and

WHEREAS, the Department of Personnel Services conducted such a review of this policy; and

WHEREAS, based upon this review, it is recommended that the policy revisions reflect procedural and administrative changes to refer to "steps" instead of "percentages" when relating to pay administration; and

WHEREAS, a qualified employee is promoted from one position to another position two (2) or more grades higher will receive a four (4) step increase in pay, or step "A" of the new grade, whichever is greater; and

WHEREAS, a qualified employee is promoted from one position to another position one (1) grade higher will receive a two (2) step increase in pay; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 6th day of October 1998, That these revisions made in Personnel Policy, Section #27



Promotions, Demotions and Transfers, Paragraph IV Promotional Pay Advances and Affect on Merit Pay Dates be, and are hereby, approved; and, be it

RESOLVED FURTHER, That the effective date of these revisions be October 1, 1998; and, be it

RESOLVED FINALLY, That the County Administrator be, and is hereby, directed to administer this revised policy and changes in accordance with applicable Fauquier County policies and procedures.

#### PERSONNEL POLICY

Fauquier County, Virginia

Promotions, Demotions, Transfers

#### IV. PROMOTIONAL PAY ADVANCES AND AFFECT ON MERIT PAY DATES

A. A qualified employee promoted from one position to another position two or more grades higher will receive a 10% four step increase in pay. The employee may receive a greater increase in order to reach the beginning step of the new grade. The employee's merit pay increase date will become the date of the promotion.

B. A qualified employee promoted to a position one grade higher will receive a 5% two step increase in pay and retain the same merit pay increase date as held prior to the promotion.

C. All promoted employees are required to serve a probationary period in accordance with the specific rules governing probationary periods outlined in the County Personnel Policy.

#### V. TRANSFER DEFINED

A transfer is the assignment of an employee from one position to another position. Transfers can take place within a department, between departments, between positions of the same pay range, between positions of different pay ranges, between positions of the same class or between positions of different classes.

#### VI. TYPES OF TRANSFERS

Transfers include all cases in which an employee is moved from one position to another in the competitive service without a break in service. Transfers shall be designated as one of the following types:

1. Between appropriations;
2. Between classes of the same level;
3. To a higher level (Promotion);
4. To a lower level (Demotion); and
5. Remain in the same class (reassignment of position).

#### VII. INTRA-DEPARTMENTAL TRANSFERS

A. An appointing authority may at any time, transfer an employee in the competitive service, under his jurisdiction, from one position to another in

the same class in the same department.

A Resolution to Revise Personnel Policy Section #2, Leave, Paragraph XXXII, Inclement Weather Leave

RESOLUTION

A RESOLUTION TO REVISE PERSONNEL POLICY SECTION #2, LEAVE Paragraph XXXII, INCLEMENT WEATHER LEAVE

WHEREAS, the Department of Personnel Services periodically reviews certain Personnel Policies to ensure that they are meeting the objectives of the County and the needs of the County employees; and

WHEREAS, the Department of Personnel Services conducted such a review of this policy; and

WHEREAS, based upon this review, it is recommended that the policy revisions reflect procedural and administrative changes to operational procedures for emergency closing and delayed openings for Fauquier County employees; and

WHEREAS, when Code Blue is announced, employees are expected to report to work on time. However, department or site supervisors may permit reasonable late arrival or early dismissal with pay; and

WHEREAS, when Code Green is announced, employees are expected to report to work on time. However, department or site supervisors may permit reasonable late arrival or early dismissal with pay; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 6th day of October 1998, That these revisions made in Personnel Policy, Section #2 Leave; Paragraph XXXII Inclement Weather Leave be, and are hereby, approved; and, be it

RESOLVED FURTHER, That the effective date of these revisions be October 1, 1998; and, be it

RESOLVED FINALLY, That the County Administrator be, and is hereby, directed to administer this revised policy and changes in accordance with applicable Fauquier County policies and procedures.

PERSONNEL POLICY  
Fauquier County, Virginia  
Leave

XXXII. Inclement Weather Leave Policy

Operational Procedures for Emergency Closing and Delayed Opening for Fauquier County Employees:

In the event public offices are to be closed due to inclement weather or other emergencies, the following messages (designated by color code) will be disseminated through designated media by the Superintendent of Schools. County employees should stay tuned to designated media for instructions.

For the purposes of these operational procedures, the term public offices herein refer to all county offices. In addition, the following employees are also included:

1. Consolidated Support Staff
2. Custodians

## Codes:

## A. Code "Red" - All Public Offices Closed

When Code "Red" is announced, employees will be affected as follows:

1. Maintenance staff do not report - on stand by
2. Custodians do not report - on stand by
3. All office personnel do not report

## B. Code "Blue" - Public Offices Open

When Code "Blue" is announced, employees will be affected as follows:

1. Maintenance staff reports regular hours
2. Custodians report regular hours
3. Public offices report regular time, but if late no penalty. Employees will inform their supervisor if they are going to be late; however, department or site supervisor may permit reasonable late arrival or reasonable early dismissal based upon inclement weather conditions. Employee must be at work at least 4 hours or use annual leave or leave without pay.
4. Any employee scheduled to be on leave during a delayed opening day shall be charged a full day of leave for that day.

## C. Code "Green" - Delayed Opening

When Code "Green" is announced, employees will be affected as follows:

1. Maintenance staff reports regular time
2. Custodians report regular time
3. Public Offices report regular time, but if late, no penalty. Employees will inform their supervisor if they are going to be late; however, department or site supervisor may permit reasonable late arrival based upon inclement weather conditions.. Employees may report late due to extenuating weather-related circumstances only with permission of their supervisor.
4. Any employee scheduled to be on leave during a delayed opening day shall be charged a full day leave for that day.

## D. Early Closing

1. All employees leave at designated time unless supervisor approves earlier release.

A Resolution to Authorize the Rappahannock-Rapidan Planning District Commission to Change its Name to the Rappahannock-Rapidan Regional Commission

## RESOLUTION

A RESOLUTION TO AUTHORIZE THE RAPPAHANNOCK-RAPIDAN  
PLANNING DISTRICT COMMISSION TO CHANGE ITS NAME  
TO THE RAPPAHANNOCK-RAPIDAN REGIONAL COMMISSION

WHEREAS, the Rappahannock-Rapidan Planning District Commission has determined that it is advisable to change the name of the organization to "Rappahannock-Rapidan Regional Commission"; and

WHEREAS, such amendment is permitted by the applicable statutes made and provided for such matters; and

WHEREAS, the Fauquier County Board of Supervisors, a member jurisdiction, is agreeable to such name change as evidenced by its adoption of this resolution; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 6th day of October 1998, That in accordance with Article VIII of the Charter Agreement of the Rappahannock-Rapidan Planning District Commission, the Commission be, and is hereby, authorized to change its name to the "Rappahannock-Rapidan Regional Commission; and, be it

RESOLVED FURTHER, That the Commission is hereby authorized to take any and all acts, actions, and do all other things necessary to effect such name change and that the officers and commissioners of the Commission are hereby authorized to execute any and all documents necessary to effect such name change; and, be it

RESOLVED FINALLY, That the Commission is hereby authorized to amend the charter agreement in accordance with the provisions of Article VIII of the Charter to effect such name change.

FY 1998 and FY 1999 Budget Transfers and Supplemental Appropriations

#### RESOLUTION

#### A RESOLUTION TO TRANSFER & APPROPRIATE FUNDS

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the operation of an annual budget for Fauquier County; and

WHEREAS, this annual budget is a plan of how funds received by the County will be used to meet the needs of the citizens of the County; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing a department's total budget; and

WHEREAS, funds needed to increase a department's budget must come from internal adjustments or from an outside source such as State, Federal, grant or other local sources such as the County's Reserve for Contingency; and

WHEREAS, for FY1998 the Sheriff's Office has requested DEA Overtime Reimbursement for \$2,364 from Federal funding; and

WHEREAS, for FY 1998 the Finance Department requested transfer of \$30,228 in revenue received for courthouse maintenance to the Capital Improvements Program; and

WHEREAS, for FY 1999 the Sheriff's Office has requested the appropriation of \$99,642 of which \$2,438 is Federal Forfeiture Proceeds, \$1,443 for Federal Overtime Reimbursement, \$44,685 is Federal Cops More Grant, \$21,101 is for State V-Stop Grant, and \$29,975 is State Criminal History Records Improvement; and

WHEREAS, for FY 1999 Parks and Recreation requested transfer of \$13,350 carryover from prior year Fund Balance to purchase a truck; and

WHEREAS, for FY 1999 the School Division requested approval for the

\$264,607 appropriation received after the County Budget was adopted in additional State Funding for the Schools; and

WHEREAS, for FY 1999 the School Division requested approval to use the Goals 2000 Award from Federal funds in the amount of \$57,133 for the purchase of computers and related technologies; and

WHEREAS, for FY 1999 the Finance Department requested \$231,368 from Reserve for Encumbrances to support major purchases and contracts not invoiced prior to the end of the fiscal year; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 6th day of October 1998, That the sum of \$698,692 be transferred or appropriated, and hereby approved as follows:

FROM	TO
Source Code Amount	Department Code Amount
FY 1998	
Federal Funds	Sheriff's Office
3-100-331000-0041	4-100-31232-1201
\$1,497	\$1,497
FY 1998	
Federal Funds	Sheriff's Office
3-100-331000-0040	4-100-31230-1201
\$867	\$867
FY 1998	
Courthouse	Capital Improvements
Maintenance Fees	Program
3-100-160100-0006	4-302-94420-3313
\$30,228	\$30,228
Federal Funds	Sheriff's Office
3-100-331000-0040	4-100-31230-8201
\$763	\$763
Federal Funds	Sheriff's Office
3-100-331000-0041	4-100-91400-5892
\$576	\$576
Federal Funds	Sheriff's Office
3-100-331000-0040	4-100-91400-5892
\$867	\$867
State Funds	Sheriff's Office
3-100-244100-0190	4-100-31261-1101 \$18,420
\$21,101	4-100-31261-2100 \$1,409
	4-100-31261-5510 \$608
	4-100-31261-5530 \$664
State Funds	Sheriff's Office

3-100-244100-0200	4-100-31231-3170	\$2,725
\$29,975	4-100-31231-8207	\$27,250
Federal Funds	Sheriff's Office	
3-100-331000-0040	4-100-31230-8201	
\$1,675	\$1,675	
Federal Funds	Sheriff's Office	
3-100-331000-0025	4-100-31255-1101	\$32,072
\$44,685	4-100-31255-2100	\$2,453
	4-100-31255-2210	\$3,249
	4-100-31255-2310	\$4,415
	4-100-31255-2400	\$112
	4-100-31255-8207	\$2,384
Prior Years Fund	Capital Equipment Fund	
3-100-419000-0010	4-302-080701-8200	
\$13,350	\$13,350	
State Funds	School Division	
3-301-242000-0065	4-205-067100-9209-	
\$146,721	900-000-000	
3-301-242000-0074	\$264,607	
\$16,567		
3-301-242000-0068		
\$5,697		
3-301-242000-0072		
\$75,554		
3-301-242000-0043		
\$20,068		
Federal Funds	School Division	
3-205-330250	4-205-061325-8200-	
\$57,133	300-001-000	
	\$57,133	
Prior Year Fund	Reserve for	
Balance -	Encumbrances -	
General Fund	General Fund	
Fire & Rescue	Fire & Rescue	
3-100-419000-0010	School Division	
3-270-419000-0010	SEE ATTACHED	
\$231,368	\$231,368	
TOTAL		
\$698,692	\$698,692	

A Resolution Referring to the Planning Commission the Proposed Amendment of Section 3-308.3 of the Fauquier County Zoning Ordinance to Permit Carnivals, Circuses, Festivals, Fairs, Tractor Pulls, Horse Shows, Dog Shows, Steeplechases, Pony Rides, Turkey Shoots, Sales of Christmas Trees and Other Seasonal Commodities and Other Similar Activities in the C-1 Zoning District Upon Grant of Special Permit

#### RESOLUTION

A RESOLUTION REFERRING THE PROPOSED AMENDMENT OF SECTION 3-308.3 OF THE FAUQUIER COUNTY ZONING ORDINANCE TO PERMIT CARNIVALS, CIRCUSES, FESTIVALS, FAIRS, TRACTOR PULLS, HORSE SHOWS, DOG SHOWS, STEEPLECHASES, PONY RIDES, TURKEY SHOOT, SALES OF CHRISTMAS TREES AND OTHER SEASONAL COMMODITIES AND OTHER SIMILAR ACTIVITIES IN THE C-1 ZONING DISTRICT UPON GRANT OF SPECIAL PERMIT

WHEREAS, the Board of Supervisors has received a request to amend Section 3-308.3 of the Fauquier County Zoning Ordinance to permit turkey shoots and other similar activities as temporary uses in the C-1 zoning district upon the grant of a special permit; and

WHEREAS, the Board of Supervisors deems it in the best interest of the citizens of Fauquier County to consider the adoption of the aforesaid amendments to Section 3-308.3 of the Fauquier County Zoning Ordinance; now, therefore, be it

RESOLVED by the Board of Supervisors of Fauquier County this 6th day of October 1998, That the proposed amendment of Section 3-308.3 of the Fauquier County Zoning Ordinance to permit carnivals, circuses, festivals, fairs, tractor pulls, horse shows, dog shows, steeplechases, pony rides, turkey shoots, sales of Christmas trees and other seasonal commodities, and other similar activities in the C-1 zoning district upon grant of special permit be, and is hereby, referred to the Fauquier County Planning Commission pursuant to Section 13-202.1.B.(2) of the Fauquier County Zoning Ordinance.

A Resolution of Intent to Amend the Comprehensive Plan to Allow Redesignation of Property in the Cedar Run Magisterial District and to Rezone the 20.0 Acre Parcel from Rural Agricultural (RA) to Industrial General (I-2)

#### RESOLUTION

A RESOLUTION OF INTENT TO AMEND THE COMPREHENSIVE PLAN TO ALLOW REDESIGNATION OF PROPERTY IN THE CEDAR RUN MAGISTERIAL DISTRICT AND TO REZONE THE 20.0 ACRE PARCEL FROM RURAL AGRICULTURAL (RA) TO INDUSTRIAL GENERAL (I-2).

BE IT RESOLVED by the Fauquier County Board of Supervisors this 6th day of October 1998, That the Board of Supervisors initiates and states its intent to consider an amendment to the Comprehensive Plan to designate a 20.0 acre parcel, identified by PIN #6899-75-6513-000 and part of PIN #6899-85-6796-000, from Rural/Conservation uses to General Industrial, and to rezone this 20.0 acre property from RA (Rural Agricultural) to I-2 (Industrial General) Zoning District; and, be it

RESOLVED FURTHER, That the Planning Commission is requested to advertise and hold a public hearing on this proposed Comprehensive Plan Amendment and rezoning request and to submit its recommendation to the Board of Supervisors.

A Resolution Authorizing the County Administrator to Make Application for a Grant from the Virginia Water Improvement Fund for the Purpose of Providing Funding Assistance with the Construction of a Non-Discharging, Community Based, On-Site Treatment System for Catlett

#### RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO MAKE APPLICATION FOR A GRANT FROM THE VIRGINIA WATER IMPROVEMENT FUND FOR THE PURPOSE OF PROVIDING FUNDING ASSISTANCE WITH THE CONSTRUCTION OF A NON-DISCHARGING, COMMUNITY BASED, ON-SITE TREATMENT SYSTEM FOR CATLETT

WHEREAS, the Board of Supervisors has established the provision of services in the service districts as one of its highest priorities; and

WHEREAS, the Board of Supervisors has established as a priority goal "to develop and begin implementation of a plan to provide water and sewer services to all service districts by December 1999, with emphasis on the Catlett and Calverton Service Districts"; and

WHEREAS, the Board of Supervisors has undertaken a preliminary engineering report which could lead to design of a non-discharging, community based, on-site treatment system for Catlett; and

WHEREAS, the Board of Supervisors, has directed staff to identify any grant or alternative funding opportunities that would help to reduce or offset the expenditure of County Taxpayer funds wherever possible; and

WHEREAS, the Rappahannock-Rapidan Planning District Commission, with the help of Community Development staff, has developed an application for state grant funds to provide up to a 50% state grant to help offset the costs of construction of a treatment system for Catlett; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 6th day of October 1998, That the Board of Supervisors does hereby direct the County Administrator to make application on behalf of Fauquier County for grant assistance from the Virginia Water Improvement Fund for the purpose of cost-sharing the expenses related to construction of a treatment system for Catlett.

A Resolution Authorizing the County Administrator to Make Application for a Grant from the Virginia Water Improvement Fund for the Purpose of Providing Funding Assistance with the Construction of a Non-Discharging, Community Based, On-Site Treatment System for Calverton

#### RESOLUTION

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO MAKE APPLICATION FOR A GRANT FROM THE VIRGINIA WATER IMPROVEMENT FUND FOR THE PURPOSE OF PROVIDING FUNDING ASSISTANCE WITH THE CONSTRUCTION OF A NON-DISCHARGING, COMMUNITY BASED, ON-SITE TREATMENT SYSTEM FOR CALVERTON

WHEREAS, the Board of Supervisors has established the provision of services in the service districts as one of its highest priorities; and

WHEREAS, the Board of Supervisors has established as a priority goal "to develop and begin implementation of a plan to provide water and sewer services to all service districts by December 1999, with emphasis on the Calverton and Calverton Service Districts"; and

WHEREAS, the Board of Supervisors has undertaken a preliminary engineering report which could lead to design of a non-discharging, community based, on-site treatment system for Calverton; and

WHEREAS, the Board of Supervisors, has directed staff to identify any grant or alternative funding opportunities that would help to reduce or offset the expenditure of County Taxpayer funds wherever possible; and

WHEREAS, the Rappahannock-Rapidan Planning District Commission, with the help of Community Development staff, has developed an application for state grant funds to provide up to a 50% state grant to help offset the costs of construction of a treatment system for Calverton; now, therefore, be it



RESOLVED by the Fauquier County Board of Supervisors this 6th day of October 1998, That the Board of Supervisors does hereby direct the County Administrator to make application on behalf of Fauquier County for grant assistance from the Virginia Water Improvement Fund for the purpose of cost-sharing the expenses related to construction of a treatment system for Calverton.

Preliminary Subdivision Plat - Broyhill Subdivision

No action was taken.

Preliminary Subdivision Plat - Allen Subdivision

No action was taken.

A Proclamation to Declare the Week of October 4-10, 1998 as Fire Prevention Week

#### PROCLAMATION

A PROCLAMATION TO DECLARE THE WEEK OF  
OCTOBER 4-10, 1998 AS FIRE PREVENTION WEEK

WHEREAS, President Warren G. Harding proclaimed the first Fire Prevention Week in 1922 as the week that includes the date of October 9, the anniversary of the Great Chicago Fire of 1871, to be National Fire Prevention Week; and

WHEREAS, according to the United States Fire Administration, most fire deaths occur during the winter months, December through February, as a direct result of poorly installed, maintained or misused portable heating equipment; and

WHEREAS, the Fauquier County Fire and Rescue Association and its thirteen member companies:

Warrenton VFC (Co. 1)	Catlett VFC (Co. 7)
Remington VF&RC (Co. 2)	Goldvein VF&RC (Co. 8)
Marshall VFC (Co. 3)	Marshall VRS (Co. 9)
The Plains VF&RC (Co. 4)	New Baltimore VF&RC (Co. 10)
Upperville VFC (Co. 5)	Orlean VFC (Co. 11)
Warrenton VRS (Co. 6)	Cedar Run VRS (Co. 12)
	Lois VFC (Co. 13)

respond annually to over 500 fire related incidents which cause an estimated \$1,639,000 in property damage; and

WHEREAS, the Fauquier County Fire and Rescue Association and the Office of Emergency Services acknowledge Fire Prevention Week as the beginning of their fire prevention, education and safety campaign which will last throughout the year; now, therefore, be it

PROCLAIMED by the Fauquier County Board of Supervisors this 6th day of October 1998, That the week of October 4 through October 10, 1998 be, and it is hereby, declared Fire Prevention Week; and, be it

PROCLAIMED FURTHER, That all residents of the County are encouraged to

participate in fire safety education activities; and, be it

PROCLAIMED FINALLY, That all County residents are encouraged to participate in fire prevention behavior during this special week and throughout the year and years to come.

AN ORDINANCE AMENDING SECTION 1-7 AND 5-11 AND ADDING SECTION 5-11.1 OF THE CODE OF FAUQUIER COUNTY TO RAISE THE MAXIMUM PENALTY FOR VIOLATION OF THE CODE OF FAUQUIER COUNTY AND THE COUNTY BUILDING CODE FROM \$1,000 TO \$2,500

Mr. Green moved to adopt the following ordinance. Mr. Rankin seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin  
Nays: None  
Absent During Vote: None  
Abstention: None

#### ORDINANCE

AN ORDINANCE AMENDING SECTIONS 1-7 AND 5-11 AND ADDING SECTION 5-11.1 OF THE CODE OF FAUQUIER COUNTY TO RAISE THE MAXIMUM PENALTY FOR VIOLATION OF THE CODE OF FAUQUIER COUNTY AND THE COUNTY BUILDING CODE FROM \$1,000 TO \$2,500

WHEREAS, Section 1-7 of the Code of Fauquier County provides a general penalty of a fine of up to one thousand dollars (\$1,000.00) and/or by imprisonment for a period of not more than thirty days for violating any provision of the Code of Fauquier County which contains no specific penalty; and

WHEREAS, Section 5-11 of the Code of Fauquier County provides a general penalty of a fine of up to one thousand dollars (\$1,000.00) for violating any provision of Chapter 5 (Building Code) of the Code of Fauquier County which contains no specific penalty; and

WHEREAS, Section 15.2-1429 of the Code of Virginia, 1950, as amended, provides that the fine or term of confinement for the violation of a locality's ordinances shall not exceed the penalties provided by general law for the violation of a Class 1 misdemeanor which are confinement in jail for not more than twelve months and a fine of not more than \$2,500.00, either or both; and

WHEREAS, Section 36-106 of the Code of Virginia, 1950, as amended, provides for fines of up to two thousand five hundred dollars for violations of the Uniform Statewide Building Code; and

WHEREAS, the Fauquier County Building Official has requested that the Board of Supervisors consider amending the Fauquier County Code to increase the penalties for the violation of the Code of Fauquier County as it relates to the Uniform Statewide Building Code to the maximum of those permitted by the Code of Virginia; and

WHEREAS, the Board of Supervisors after due notice and hearing considers it to be in the best interest of the citizens of the County to amend the Code of Fauquier County to increase the maximum penalty and imprisonment for violations

of the County Code and the Building Code; now, therefore, be it

ORDAINED by the Board of Supervisors of Fauquier County this 6th day of October 1998, That Sections 1-7 and 5-11 of the Code of Fauquier County be, and are hereby, amended as follows:

Section 1-7. General penalty; continuing violations.

Wherever in this code or in any ordinance or resolution of the county, or in any rule, regulation, notice or order promulgated by any officer or agency of the county under the authority duly vested in him or it, any act is prohibited or is declared to be unlawful or any offense or a misdemeanor, or the doing of any act is required, or the failure, neglect or refusal to do any act is declared to be unlawful or an offense or a misdemeanor, and no specific penalty is provided for the violation thereof, the violation of any such provision of this Code or any such ordinance, resolution, rule, regulation, notice or order shall be punished by a fine of not more than one thousand dollars (\$1,000.00) two thousand five hundred dollars (\$2,500.00) or by imprisonment for a period of not more than thirty (30) days in jail, or by both such fine and imprisonment. Each day any violations of this Code or any ordinance, resolution, rule, regulation, notice or order shall continue shall constitute a separate offense except as otherwise provided.

Sec. 5-11. General violations and penalties.

Unless otherwise provided in Section 5-11.1 or any other section of this article, any person who shall fail, refuse, or neglect to comply with or otherwise violate the provisions of this article, which includes the Uniform Statewide Building Code, shall be guilty of a misdemeanor, and such failure, refusal, neglect, or violation, and each days continuance thereof, shall constitute a separate offense and may require a fine of up to one thousand dollars (\$1,000) two thousand five hundred dollars (\$2,500.00) for each offense.

Section 5-11.1. Violation of Uniform Statewide Building Code.

(a) It shall be unlawful for any owner or any person to violate any provision of the Uniform Statewide Building Code. Any such violation shall be deemed a misdemeanor and shall be punished by a fine of not more than two thousand five hundred dollars (\$2,500.00). If the violation concerns a residential unit and if the violation remains uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in order to comply with the Uniform Statewide Building Code. Except as otherwise provided by the court for good cause shown, any such violator shall abate or remedy the violation within six months of the date of conviction. Each fifteen-day period during which the violation continues after the court-ordered abatement period has ended shall constitute a separate offense. Any person convicted of a second offense committed within less than five years after the first offense under the Uniform Statewide Building Code shall be punished by a fine of not less than one thousand dollars (\$1,000.00) nor more than two thousand five hundred dollars (\$2,500.00). Any person convicted of a third or subsequent offense committed within ten years of an offense under this chapter shall be punished by a fine of not less than one thousand five hundred dollars (\$1,500.00) nor more than two thousand five hundred dollars (\$2,500.00). Notwithstanding the foregoing, those provisions requiring a minimum fine shall apply only to

convictions for building code violations which cause a building or structure to be unsafe or unfit for human habitation.

(b) Any owner or person violating any provisions of the Uniform Statewide Building Code relating to the removal or the covering of lead-base paint which poses a hazard to the health of pregnant women and children under the age of six years who occupy the premises shall, upon conviction, be guilty of a misdemeanor and shall be subject to a fine of not more than two thousand five hundred dollars (\$2,500.00). If the court convicts the person pursuant to this subsection and sets a time by which such hazard must be abated, each day the hazard remains unabated after the time set for the abatement has expired shall constitute a separate violation of the Uniform Statewide Building Code. Upon a reasonable showing to the court by a landlord as defined in Section 55-248.4 of the Code of Virginia, 1950, as amended, that such landlord is financially unable to abate the lead-base paint hazard, the court shall order any rental agreement related to the affected premises terminated effective thirty days from the entry of the court order. For the purposes of the preceding sentence, termination of the rental agreement shall not be deemed noncompliance by the landlord pursuant to Section 55-248.21 of the Code of Virginia, 1950, as amended.

(State Code Reference-§36-106 of the Code of Virginia, 1950, as amended.)

and; be it

ORDAINED FURTHER, That the provisions of this Ordinance shall be in force upon adoption, and all provisions of Sections 1-7, 5-11 and 5-11.1 of the Code of Fauquier County not contained in the amendments adopted by this Ordinance be, and are hereby, repealed, except as hereinafter provided; and, be it

ORDAINED FURTHER, That the repeal provided for in the preceding paragraph of this Ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the adoption of this Ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the adoption of this Ordinance; nor shall it affect any ordinance adopted for purposes which have been consummated; nor shall it affect any ordinance which is temporary, although general in effect, or special, although permanent in effect; nor shall it affect any ordinance adopted after the adoption of this Ordinance; and, be it

ORDAINED FINALLY, That it is hereby declared to be the intention of the Board of Supervisors that the sections, paragraphs, sentences, clauses and phrases of this Ordinance, as amended, hereby adopted are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance or of Sections 1-7, 5-11 and 5-11.1, of the Code of Fauquier County, as amended, shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses sentences, paragraphs and sections of this ordinance or of Sections 1-7, 5-11 and 5-11.1 of the Code of Fauquier County, as amended.

A RESOLUTION TO APPROVE THE REGIONAL JAIL AGREEMENT WITH THE COUNTIES OF CLARKE AND FREDERICK AND THE CITY OF WINCHESTER

Mr. Weeks moved to adopt the following resolution. Mr. Green seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W.

Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin  
Nays: None  
Absent During Vote: None  
Abstention: None

## RESOLUTION

A RESOLUTION TO APPROVE THE REGIONAL JAIL AGREEMENT WITH THE  
COUNTIES OF CLARKE AND FREDERICK AND THE CITY OF WINCHESTER

BE IT RESOLVED by the Fauquier County Board of Supervisors this 6th day of  
October 1998, That the Chairman be, and is hereby, authorized to sign the Regional  
Jail Agreement with the Counties of Clarke and Frederick and the City of  
Winchester.

## APPOINTMENTS TO THE REGIONAL JAIL BOARD

Mr. Burton moved to make the following appointments to the Regional Jail  
Board. Mr. Rankin seconded, and the vote for the motion was unanimous as  
follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W.  
Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin  
Nays: None  
Absent During Vote: None  
Abstention: None

Larry Weeks - four-year term  
Bob Lee - two-year term  
Joe Higgs - for term as Sheriff  
Randy Wheeler - alternate for Larry Weeks and Bob Lee  
Warren Jenkins - alternate for Joe Higgs

VIRGINIA DEPARTMENT OF TRANSPORTATION NOTICE OF INTENT TO ACQUIRE  
LAND IN THE SOUTHERN FAUQUIER AGRICULTURAL AND FORESTAL DISTRICT

The Board of Supervisors reviewed and discussed the Virginia Department of  
Transportation's notice of intent to acquire land in the Southern Fauquier  
Agricultural and Forestal District for proposed improvements to Route 28. No  
action was taken.

A RESOLUTION TO REVISE PERSONNEL POLICY SECTION #36, WORKERS'  
COMPENSATION, PARAGRAPH IV, USE OF INJURY/ILLNESS IN LINE OF DUTY  
LEAVE

Mr. Weeks moved to postpone action on a proposed Personnel Policy  
amendment to Section #36, Workers' Compensation, Paragraph IV, Use of  
Injury/Illness in Line of Duty Leave until a work session could be held to receive  
further information. Mr. Rankin seconded, and the vote for the motion was  
unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W.  
Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin  
Nays: None  
Absent During Vote: None

Abstention:       None

AUTHORIZATION TO INCLUDE THE SCHOOL HEALTH ADMINISTRATOR AND  
SCHOOL TRANSITION SPECIALIST POSITIONS INTO THE BOARD OF  
SUPERVISORS CLASSIFICATION AND PAY PLAN

The Board of Supervisors agreed that more information was needed regarding the position of School Transition Specialist and that adoption of that position would be postponed. Mr. Weeks then moved to adopt the following resolution. Mr. Rankin seconded, and the vote for the motion was unanimous as follows:

Ayes:   Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W.  
Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin  
Nays:   None  
Absent During Vote:       None  
Abstention:       None

RESOLUTION

AUTHORIZATION TO INCLUDE THE SCHOOL HEALTH ADMINISTRATOR  
POSITION INTO THE BOARD OF SUPERVISORS CLASSIFICATION AND PAY PLAN

WHEREAS, since April 22, 1996, the classification and pay plan has been administered by, David M. Griffith, & Associates, LTD, now known as DMG MAXIMUS; and

WHEREAS, it is desirable and appropriate to amend that classification and pay plan from time to time in order to promote the economy and efficiency of government and public schools; and

WHEREAS, class specifications for a School Health Administrator position within Fauquier County Public Schools has been recommended by DMG MAXIMUS, and approved by the Joint Personnel Committee as part of the Board of Supervisors approved pay plan and position classification system; and

WHEREAS, the appropriate funds for this position has been included in the approved annual FY99 School budget; and

WHEREAS, proper justification for this action has been presented to the Board of Supervisors; now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 6th day of October 1998, That the submitted class specifications of a School Health Administrator be, and are hereby, approved for incorporation into the compensation pay plan with an effective date of July 1, 1998, in accordance with applicable Fauquier County policies and procedures.

Class	Pay Grade	Range		
		Minimum	Maximum	
School Health Administrator	24	\$32,241	-	\$48,795

A RESOLUTION REQUESTING THE ECONOMIC DEVELOPMENT AUTHORITY  
ASSISTANCE IN ESTABLISHING THE VINT HILL/ROUTE 215 CONNECTOR

Mr. Mangum moved to table a proposed resolution requesting the Economic Development Authority assistance in establishing the Vint Hill/Route 215 connector until further information could be obtained. Mr. Burton seconded.

After discussion, Mr. Weeks then moved to adopt the following resolution. Mr. Mangum seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W.  
Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin  
Nays: None  
Absent During Vote: None  
Abstention: None

#### RESOLUTION

A RESOLUTION REQUESTING THE ECONOMIC DEVELOPMENT AUTHORITY  
ASSISTANCE IN ESTABLISHING THE VINT HILL/ROUTE 215 CONNECTOR

WHEREAS, the Fauquier County Board of Supervisors approved the Waterfield Rezoning Request (RZ #96-S-05), including the Concept Development Plan and Proffer Statement, on September 1, 1998; and

WHEREAS, the preferred alignment of the Waterfield Boulevard is its southerly interconnection with a proposed four-lane collector from Route 676 through Waterfield and Vint Hill to Route 215 and identified as the "Keller Collector" in the referenced Proffer Statement; and

WHEREAS, the Waterfield Proffer Statement allowed a process for the reallocation of Developer transportation funds to be expended for the construction of this connector road alignment; and

WHEREAS, Waterfield construction traffic needs to be restricted, if possible, from access to Route 1306 and Route 793 through established residential neighborhoods; now, therefore be it

RESOLVED by the Fauquier County Board of Supervisors this 6th day of October 1998, That the Economic Development Authority is respectfully requested to work expeditiously with the County and VDOT to: (1) establish the four-lane divided connector alignment through Vint Hill to Route 215, and (2) restrict Waterfield construction traffic access to Vint Hill only, with adequate bonding to protect the internal private streets from potential damage; and, be it

RESOLVED FURTHER, That in the event the Vint Hill Economic Development Authority does not grant the construction traffic access, this resolution is null and void.

#### SUPERVISORS TIME

\* Mr. Burton asked the Board of Supervisors to support a request to create a village in Cedar Run District. The Board agreed to consider a resolution at the October 20, 1998 meeting to forward the request to the Planning Commission.

\* Mr. Weeks gave a report on issues and recommendations discussed at the Town/County Economic Development meeting.

#### ANNOUNCEMENTS

\* Mr. Lee announced that the open burning ban had been lifted.

The meeting was recessed until 7:00 p.m. at Library High School for a joint public hearing with the Planning Commission.

COMPREHENSIVE PLAN AMENDMENT AND SPECIAL EXCEPTION REQUEST FOR  
THE REMINGTON COMBUSTION TURBINE FACILITY

A joint public hearing was held with the Planning Commission to consider a request from Virginia Power, Applicant, and Farmington, L.C., Owner/Applicant, for an amendment to the Comprehensive Plan for the purpose of designating this property as an appropriate location for a Combustion Turbine Facility and identifying it as a feature in the Remington Service District Plan and to grant special exception approval for an electrical generating facility proposed for approximately 44.3 acres of a 504.864 acre site. The property is located on the east side of Lucky Hill Road (Route 655) and to the west of Marsh Run. The western edge of the facility site is just under one mile from Remington Road (Route 656) and the Norfolk & Southern Railroad, PIN #6888-83-3857, PIN #6898-10-8862, and PIN #6898-10-1550, Lee District. John McGranahan, Attorney representing Virginia Power, and Bob Cartwright, Vice President of Virginia Power, explained the plan for the property. The following citizens spoke in favor of the request: Eloise Trainum, Doug Marshall, President of the Chamber of Commerce, William Armstrong, Owen Bludau, representing the Vint Hill Economic Development Authority, Madge Eicher, Arrabelle Arrington, Chester Stribling, President of the Southern Fauquier Business Association, Morgan Ott, Jim Craun, Tom Grady, Angela Denson, Executive Director of the Chamber of Commerce, William Frazier, Gladys Frazier, Steve Potucek, and Joe Winkleman. The following citizens spoke in opposition: Bill Shanley, Kelly Shanley, Ken Duckworth, Virgil Krebs, Sue Scheer, Jim Stone, Jan Barbano, and Cindy Bablavy. Kitty Smith, representing Citizens for Fauquier County, Chris Miller, Executive Director of the Piedmont Environmental Council, Sharon McCamy, Kathleen King, Bob King, Charles Westbrook and Julian Scheer requested that the matter be tabled for further study. The public hearing was closed.

The Board of Supervisors recessed while the Planning Commission held deliberations and made a recommendation. Upon reconvening, Mr. Mangum moved to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin

Nays: None

Absent During Vote: None

Abstention: None

RESOLUTION

A RESOLUTION TO APPROVE A COMPREHENSIVE PLAN  
AMENDMENT#CPA98-L-09 TO INCORPORATE AN ELECTRIC  
UTILITY FEATURE IN THE REMINGTON SERVICE DISTRICT

WHEREAS, Farmington, L.C., Owner, and Virginia Electric and Power Company, Applicant, have filed an application to amend the Fauquier County Comprehensive Plan in accordance with the provisions of Article 13-202 of the Fauquier County Zoning Ordinance; and

WHEREAS, the Fauquier County Planning Commission and the Fauquier



County Board of Supervisors held a joint public hearing on October 6, 1998, regarding this Comprehensive Plan Amendment; and

WHEREAS, on October 6, 1998, the Fauquier County Planning Commission recommended approval on this Comprehensive Plan Amendment; now, therefore be it

RESOLVED, by the Fauquier County Board of Supervisors this 6th day of October 1998, That Chapter Six of the Comprehensive Plan be amended to incorporate text into the Remington Service District section of this Chapter which discusses this facility and to revise the Remington Service District Land Use Map to illustrate an Electric Utility Feature in the approximate location of the Virginia Power electrical power generating facility.

Mr. Mangum then moved to adopt the following resolution. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. David C. Mangum; Mr. Larry L. Weeks; Mr. Wilbur W. Burton; Mr. James R. Green, Jr.; Mr. James A. Rankin

Nays: None

Absent During Vote: None

Abstention: None

#### RESOLUTION

A RESOLUTION TO APPROVE SPECIAL EXCEPTION REQUEST #SE98-L-12, FARMINGTON, L.C./ VIRGINIA ELECTRIC & POWER COMPANY

WHEREAS, Farmington, L.C., Owner, and Virginia Electric and Power Company, Applicant, have filed an application for special exception approval under Category 3-320.5 of the Fauquier County Zoning Ordinance to construct an electrical power generating facility in a Rural Agriculture (RA) District; and

WHEREAS, the Special Exception Application of Farmington, L.C., Owner, and Virginia Electric and Power Company, Applicant, has been properly filed and all required notices of the public hearings have been properly made, and the applicant has presented evidence both oral and documentary, and the staff has filed a staff report, all indicating compliance with the general standards for special exception as set forth in Article 5 of the Zoning Ordinance and the Board further finds that the more restrictive standards of Article 5-2002 for all Category Type 20 uses of said Zoning Ordinance are met in this application; and

WHEREAS, the Fauquier County Planning Commission held a public hearing on October 6, 1998, on this special exception request and recommended approval subject to conditions; now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 6th day of October 1998, That Special Exception #SE98-L-12, Farmington, L.C., Owner, and Virginia Electric and Power Company, Applicant, be and is hereby, approved subject to the following finding and conditions:

1. Unless an extension is approved by the Board of Supervisors, a certificate of occupancy for the facility must be issued within four (4) years of the date of approval for the special exception, or the special exception shall expire and be null and void.

2. Noise levels shall meet applicable County performance standards and requirements contained in Section 9-705 of the Zoning Ordinance.

3. All entrances onto Route 655 shall be subject to the approval of the Virginia Department of Transportation.
4. The total area of the site developed for the facility shall be limited to 60+ acres as generally depicted on the Special Exception Plat, and includes the rail spur and loading area. Unless the Board of Supervisors approves an amendment to this special exception, the remaining acreage shall be retained as a buffer area, which may be utilized for utility poles and lines, natural gas reduction station, the well(s), septic tank and drainfield for the facility, the berm and/or landscaping referenced in Condition 14, existing site uses, and agricultural, forestry or open space uses.
5. The facility shall be permitted as a peak generation facility in accordance with Virginia Department of Environmental Quality (DEQ) regulations. Any increase in the operating conditions or facility expansions which (i) are beyond what is depicted on the Special Exception Plat and contained within the application materials, and (ii) require a modification of the DEQ permitted annual emissions for the facility, as depicted on the Special Exception Plat, shall require an amendment to the special exception. However, changes in regulations promulgated by DEQ or the Environmental Protection Agency requiring compliance with stricter environmental standards, even if they require modifications to the facility, shall not trigger such review process.
6. The facility shall utilize Best Available Control Technology (BACT) as determined by DEQ for this facility to minimize impacts on air quality.
7. All outdoor lighting shall be turned off after close-of-business, unless needed for safety or security, in which case the lighting shall be reduced to the minimum level necessary for safety and security.
8. Lighting fixtures for the fuel unloading facility canopy shall be recessed.
9. The facility lighting shall comply with the performance standards contained in Section 9-900 of the Fauquier County Zoning Ordinance.
10. The issuance of all required Health Department permits for wastewater disposal/drainfield and site wells are required prior to the submission of the site plan for County review and approval action. In this permitting process, the Applicant must conform to the County's hydrogeologic testing requirements contained in Section 18 of the Subdivision Regulations, and shall provide a hydrogeological study acceptable to the County showing no offsite adverse impacts. If the hydrological study determines that there will be adverse impacts which will extend beyond adjacent sites, the Applicant shall develop and implement a remediation plan acceptable to the County before initiating operation of the plant.
11. The applicant will install monitoring wells in appropriate locations on the subject property to determine current water levels prior to the draw down tests required by the Health Department for the water supply wells planned for the facility. Water levels in these wells will be measured monthly beginning at the time the facility first becomes operational and at more frequent intervals during onsite water pumping operations. These records will be kept for the most recent five (5) year period as long as the facility is operated on the property and shall be made available for inspection within a reasonable time of receiving a request by County representatives or abutting property owners.
12. In the event the records of groundwater monitoring wells provided in Condition

11 demonstrate a potential adverse impact on the quantity and quality of water from a well or wells that exist at the time of approval of this special exception on abutting property within the study area, such impacted property owner may file a notice of such impact with the applicant and with the Fauquier County Department of Community Development within thirty (30) days of the time at which such property owner becomes aware of any such adverse impacts. If it is demonstrated that the quantity and quality of water within the study area has been adversely impacted as a result of the applicant's water pumping operations for the facility, the applicant shall establish and implement a mitigation plan subject to review and approval of the Fauquier County Department of Community Development and the County Engineer, with assistance from the Health Department. The purpose of the mitigation plan shall be to correct the water quantity and quality deficiency of the affected property owners' well.

This mitigation plan shall be required only under the following conditions:

- (a) The notice of the potential adverse impact must come from a residence within the study area established for the subject property, as shown on the Special Exception Plat.
- (b) The residence and associated well on an existing lot must be existing as of the approval date of the special exception, or must have obtained a Health Department permit and functioned for a six month period.
- (c) The notice of the potential adverse impact or complaint must be communicated to the company or the Department of Community Development within thirty (30) days of the time the owner knows of the alleged problem. Notice may be made by telephone or mail to the facility manager.

13. Prior to site plan approval, the Applicant must demonstrate to the Department of Community Development that all wetland requirements, if any, have been achieved to the satisfaction of the U.S. Army Corps of Engineers.

14. A landscape/buffering plan shall be prepared and submitted with the site plan for the facility, for approval by the Department of Community Development, which includes:

- (a) Plantings along the Route 655 Frontage. Tree plantings of a minimum two inch caliper are required, with the total number of plantings based on the standard of one tree per 35 feet of road frontage. This calculation will be based upon a "frontage" measurement from the northern entrance to the facility from Route 655 to the southern entrance to the facility from Route 655, as identified on the Special Exception Plat.
- (b) Buffer Requirements. A combination of a constructed berm and evergreen tree plantings for additional noise attenuation along the northern property line adjacent to the existing residence on P.I.N. 6898-23-2697, and evergreen tree plantings on the southern property line adjacent to the existing residence on P.I.N. 6898-00-3968, to supplement the existing line of trees between the facility and the two existing residences. The berm and/or landscaping described in this Condition 14(b) shall not be required in the event the parcel that is intended to be buffered is acquired to serve as an additional buffer for the facility.
- (c) The security fencing will integrate aluminum/metal slats, or other acceptable fabric or materials, along its western, southern and northern perimeter in order to screen interior operations from Route 655 and adjoining properties.

15. The applicant shall obtain and, as necessary, maintain all applicable federal,

state and local permits.

16.The Applicant shall dedicate sixty (60) feet of right-of-way for the Route 805 extension as depicted in the Transportation Plan of the adopted Comprehensive Plan as part of any future site development, a rezoning application, or upon County request, whichever occurs first.

17.The Applicant will, to the extent practicable, utilize zero-emission electric trucks in connection with the operation of the facility. The Applicant will install an appropriate recharging station at the facility as necessary. The Applicant shall provide to the County the equipment for a similar recharging station facility, which the Board of Supervisors can install at an available location in the County.

18.This special exception approval is issued solely to the Applicant, Virginia Electric & Power Company, and shall be non-transferable within the initial four (4) year construction period. For purposes of this condition, the reference to "Virginia Electric & Power Company" shall include any parent or subsidiary entity of the Applicant, or any entity owned, partially owned or controlled by the Applicant, or a successor of the Applicant in the event the Applicant conveys the facility as a result of deregulation of the electric industry.